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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/904,056 07/31/97 LINDSEY

T 450.156US1

LM01/0526
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EXAMINER

NELSON, A

ART UNIT

PAPER NUMBER

2775

DATE MAILED:

05/26/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/904,056

Applicant(s)
Lindsay

Examiner
Alecia Nelson

Group Art Unit
2775



☒ Responsive to communication(s) filed on Jul 31, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-18 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-18 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3 and 4

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Information Disclosure Statement

1. The references listed in the Information Disclosure Statement filed 11/14/97, and the Supplemental Information Disclosure Statement filed 3/6/98 have been reviewed and considered by the examiner (see attached form PTO-1449).

Specification

2. The disclosure is objected to because of the following informalities: On **page 9, line 15** of the disclosure, the mouse pointing device is recognized with reference number (20). However other references in the disclosure and the drawings recognize a mouse pointing device with reference number (10) or (34). On **page 12, line 13** of the disclosure reference is made of a jack (40). However other reference in the disclosure and the drawings recognize a port (40).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. ***Claims 1-5, 7, 10-11, and 16-18,*** are rejected under 35 U.S.C. 102(b) as being anticipated by Broussard (EP Patent No. 0 602 947).

With reference to **claim 1, 8, and 16**, Broussard teaches a computer (10) that comprises a microprocessor (12) that is connected to a local bus (14) in turn is connected to a bus interface controller (BIC) (16). BIC (16) controls accessing of main memory (36), which is a dynamic RAM, and ROM (38) (see page 4, lines 35-38). An input/output controller (IOC) (46) is connected to a mouse connector (78), which connects the mouse (49), a serial port connector (80) and a speaker connector (82) (see page 4, lines 50-54). It is further taught by Broussard that buttons located on the mouse control different function corresponding to different controls sent to the multi-media controllers (see page 5, lines 29-32).

With reference to **claim 2-5, 7, 10-11, and 17-18**, it is taught that the actuation of the buttons of the mouse would cause signals to be sent to the physical device to cause the corresponding action to occur (see page 5, lines 29-32). In which such physical device could be a compact disc (CD) (see page 6, line 1) or amplification signals, i.e., volume, balance, treble, and bass, to be sent to a speaker via audio controller (90) (see page 5, line 23-25 and figure 1).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 7 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Broussard as applied to **claims 1 and 8** above, and further in view of Frank (EP 0 596 594).

Broussard teaches all that is needed as applied to claims 1 and 8 as explained above, but fails to teach the multi-media controls affecting a television or radio tuner.

Frank teaches that multi-media projects cover many communication media types, including printed materials, audio program, television shows, feature films and many others (see column 2, lines 31-37)

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to have a multi-media controller as taught by Broussard with the media types as taught by Frank to provide several audio and video production units of the user to be controlled by a single unit.

7. **Claims 12-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyakawa (U.S. Patent No. 4,931,781) in view of Broussard.

With reference to **claim 12**, Miyakawa teaches a cursor movement controller key switch (5) for controlling movement of a cursor on a display screen (2) of a CRT. Miyakawa also teaches that the usage of the key switch could also be used to control brightness of the display,

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volume level of sounds at a speaker, and other like functions (see figure 32 and 36 column 16, lines 40-62).

Miyakawa does not teach the usage of the cursor movement controller (5) in a multi-media environment. However does specifically teach that the controller could be used for functions other than cursor movement.

Broussard teaches the usage of a mouse controller in a multi-media environment that can be used to carry out cursor movements to control functions on other devices (see page 5, lines 29-32).

With reference to **claim 13-15**, Miyakawa and Broussard teach all that is needed as applied to **claim 12** as explained above. Broussard further teaches that the actuation of the buttons of the mouse would cause signals to be sent to the physical device to cause the corresponding action to occur (see page 5, lines 29-32). In which such physical device could be a compact disc (CD) (see page 6, line 1) or amplification signals, i.e., volume, balance, treble, and bass, to be sent to a speaker via audio controller (90) (see page 5, line 23-25 and figure 1).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the cursor movement controller of Miyakawa to the multi-media environment of Broussard to provide an improved method for easier control of connected devices in a multi-media environment.

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Conclusion

Citation of Pertinent Prior Art

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Chang (U.S. Patent 5,298,919) teaches an input device for providing a multi-dimensional spatial input data to a computer.

Brendzel et al. (U.S. Patent No. 5,706,031) teaches an icon positioning device with a keypad, telephone circuit, speaker, and microphone that is used as part of an interface system to a computer and a telephone network.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alecia D. Nelson whose telephone number is (703) 305-0143 between the hours of 8:00 a.m. and 5:00 p.m. on Monday thru Friday.

If attempts to reach the above examiner by telephone are unsuccessful, the examiner's supervisor, Steve Saras, can be reached at (703) 305-9720. The examiner's contact person, Vincent Kovalick, can be reached at (703) 305-3020.

adn/ADN
May 17, 1999


STEVEN J. SARAS
SUPERVISORY PATENT EXAMINER
GROUP 2700